

## **REMARKS**

The issues outstanding in this application are:

- Claims 1-5, 8-9, 11-15, 17-19, and 21-22 are rejected under 35 U.S.C. § 102(e).
- Applicants respectfully request indication of consideration of previously submitted Information Disclosure Statements.

Claims 1-15 and 17-22 are canceled without prejudice, claim 16 is withdrawn, and new claims 23-35 have been added. Claims 23-35 are pending in this application. No new matter has been added.

### **Request For Indication of Consideration of Previously Submitted Information Disclosure Statements:**

Applicants have submitted two Information Disclosure Statements (IDSs) in the current application. The first, listing eight references and attached hereto as "Exhibit A," was submitted on June 17, 1999, and the second, listing three references and attached hereto as Exhibit B," was submitted on November 5, 2003. However, Applicants have not received the appropriate indication of consideration of these IDSs from the Office.

The M.P.E.P. recites that "Examiners must consider all citations submitted in conformance with the rules and this section, and their initials when placed adjacent to the considered citations on the list or in the boxes provided on a form PTO-1449 or PTO/SB/08A and 08B provide a clear record of which citations have been considered by the Office." See M.P.E.P. § 609(C)(2). Accordingly, Applicants respectfully request that a record of citations considered in this application be provided to Applicants as required by the above-quoted rule. For the Examiner's convenience, copies of the previously submitted IDSs are attached hereto.

### **Changes to the Claims:**

The rejected claims have been canceled without prejudice, and new claims 23-35 have been added. A Baccarat tie is claimed in original claims 8-10. However, the new claims claim Applicants' Baccarat tie wagering invention with greater particularity than did originally claims 8-10. Accordingly, Applicants contend that prosecution of the instant application is advanced by the provision of new claims 23-35.

Support for new claims 23-35 is discussed in the following. In the following, page numbers refer to the application as originally filed, and paragraph numbers enclosed within square brackets refer to paragraph numbers as found in the Internet-published version of the current application, which is published as Application number 20030011127.

Independent claims 23, 28, 29, and 33 are supported generally on pages 11-25 of the originally filed application and more particularly on pages 14 and 16 of the original application and in paragraphs [0065], [0069], and [0078] of the published application. Claims 24 and 30 are supported in paragraph [0079], table I on page 14, and table II on page 16. Claim 25 is supported in table I on page 14 and in table II on page 16. Claim 26 is supported in paragraph [0084] and in table I on page 14. Claim 27 is supported in table II on page 16 and in paragraph [0096]. Claim 31 is supported in paragraphs [0069] and [0096] and in table II on page 16. Claim 32 is supported in paragraphs [0080], [0096], and [0098]. Claim 34 is supported in paragraph [0096] and in table II on page 16. Claim 35 is supported in paragraphs [0006] and [0098].

**Rejection Under 35 U.S.C. § 102(e):**

Claims 1-5, 8-9, 11-15, 17-19, and 21-22 are rejected under 35 U.S.C. § 102(e) as being anticipated by Huard et al. (U.S. Patent 5,743,800, hereafter Huard). Claims 1-5, 8-9, 11-15, 17-19, and 21-22 have been canceled without prejudice. Accordingly, a detailed response to the Office Action remarks identifying the reasons for rejecting these claims is not provided herein. However, for the sake of completeness, the following response to Office Action remarks presented for the first time in the current Office Action is provided.

**Response to Office Action Remarks:**

As previously noted in the "changes to the claims" section above, the new claims in this application are directed to specific features of methods of playing a Baccarat game. However, Applicants note that broader claims pertaining to wagering on community events continue to be prosecuted in related U.S. Patent Application No. 10/213,315 before Examiner Kim T. Nguyen. All art cited by the PTO in this application has been cited in Information Disclosure Statements in the above-referenced related application. Likewise, all art cited in

the above-identified related application not yet of record in this application are cited in the Information Disclosure Statement accompanying this RCE/response document.

Thus, most of the remarks included in the Office Action mailed on February 10, 2004 are not directly pertinent to Applicants' newly presented claims. Nevertheless, to be fully responsive, Applicants have briefly responded below to various assertions made for the first time in the most recent Office Action.

Canceled claim 19 recites "wherein each wagering player's chance of winning the secondary game of chance is proportional to the value of the fraction of each said player's wager amount over said total accepted wager amount . . . ." The Office Action asserts that Huard anticipates this claim, reciting "if a player does not participate in any of the primary or auxiliary games, their contribution is zero and their chance of winning is zero, since they are not participating." Applicants respectfully contend that the all-or-nothing dichotomy between either participating or not participating in the auxiliary game of Huard does not teach or suggest the "proportionality" principle recited in Applicants' claim 19. While either wagering or not determines whether a player participates in Huard's auxiliary game, those players who do participate in Huard's game do not experience an increased likelihood of winning the game based on the values of their wagers. Thus, Huard does not teach or suggest the limitations of canceled claim 19.

In the "Remarks" section of the most recent Office Action, the Office Action asserts that Huard teaches wagering on, and rewarding players for, the occurrence of a community event as claimed by Applicants. Canceled claim 1 recites "accepting wagers from a plurality of players on the at least one selected community event" and "rewarding the plurality of players from a prize pool should the at least one community event occur during the at least one chance event." Applicants asserted in the response filed November 5, 2003, that the plurality of players of Applicants' claims win or lose together based on the occurrence or non-occurrence, respectively, of Applicants' community event. Applicants have also previously shown that the players in Huard do not win or lose together as recited in Applicants' claims and that Huard therefore does not teach or suggest the above-quoted step of Applicants' claims. Moreover, the current Office Action does not address and answer the substance of Applicants' argument regarding the players winning or losing together, as required by M.P.E.P. § 707.07(f). Accordingly, Applicants assert that Huard does not teach or suggest

the Applicants' above-quoted wagering and rewarding steps. Applicants reiterate that the Huard reference has been cited to the Examiner in related application 10/213,315, should that Examiner wish to issue a rejection of the "community event" related claims over Huard.

**Patentability of the New Claims:**

Independent claims 23 (and dependent claims 24-27), 28, 29 (and dependent claims 30-32), and 33 (and dependent claims 34-35) are directed to methods for playing a game of Baccarat in which a plurality of tie hands is displayed to players of the Baccarat game, wherein each of the tie hands is associated with a particular payoff, at least one payoff being higher than at least one other payoff in the Baccarat game. Huard is silent with respect to displaying a plurality of Baccarat tie hands and payoffs associated with each of the hands. Accordingly, Huard does not teach or suggest the methods claimed in claims 23-35.

Claims 24 and 30 recite that a first payoff is associated with an ordinary Baccarat tie hand and that at least one additional payoff is associated with at least one other winning Baccarat tie hand. Huard is silent with respect to such plural Baccarat tie hands, and Huard therefore does not teach or suggest the limitations of claims 24 and 30.

Claim 25 recites that at least one payoff is higher than at least one other payoff among the plurality of displayed payoffs. Applicants have already shown Huard does not teach or suggest plural Baccarat game payoffs, and Huard also does not teach or suggest at least one payoff being higher than at least one other payoff.

Claim 26 recites that all of the payoffs pay according to fixed odds. Huard does not teach or suggest a plurality of Baccarat game payoffs and also does not teach or suggest having all of a plurality of payoffs pay according to fixed odds.

Claim 31 recites paying from the progressive jackpot only when a predetermined qualifying winning Baccarat tie hand occurs in the Baccarat game. Moreover, claim 31 inherits the limitation of "rewarding said at least one wagering player with the payout only" when the pertinent Baccarat hand occurs during the Baccarat game. Thus, in claim 31, all the wagering players get paid from the jackpot together if the qualifying winning Baccarat tie hand occurs. Huard does not teach or suggest either having a particular winning Baccarat tie hand serve as the trigger for a payout from a progressive jackpot or having all the wagering

players being paid from the jackpot together upon the occurrence of the particular winning Baccarat tie hand. Thus, Huard does not teach or suggest the method claimed in claim 31.

Claim 32 recites banking the progressive jackpot by a third party, the third party being neither a player nor the casino. Huard is silent with respect to third party banking of its progressive jackpot. Thus, Huard does not teach or suggest the method of claim 32.

Claim 35 recites banking the progressive jackpot of the Baccarat game by a third party. Huard is silent with respect to such third party banking and therefore does not teach or suggest the method of claim 35. In view of the foregoing, the above-discussed dependent claims add further patentable features to those they inherit from their respective independent claims.

**Conclusion:**

In view of the foregoing, all pending claims are in condition for allowance, and Applicants respectfully request that the instant case be passed to issue. Should you have any questions regarding the above, please feel free to give the below-listed attorney a call. If additional fees are required, please debit our Deposit Account No. 04-1414.

Respectfully submitted,

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Date: 5-4-2004

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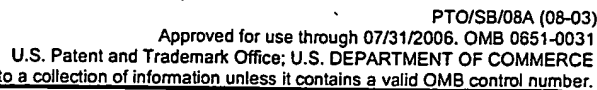
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Sheet 1 of 1

37 CFR 1.501 INFORMATION DISCLOSURE CITATION IN A PATENT (Use several sheets if necessary)				Docket Number (Optional) 1999/2		Patent Number						
				Applicant								
				Issue Date		Group Art Unit						
U. S. PATENT DOCUMENTS												
EXAMINER INITIAL	DOCUMENT NUMBER						DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE	
	5	3	6	2	0	6	4	11/8/94	LOFINK, et al.	273	292	
	5	3	9	5	1	2	0	3/7/95	MALEK	273	292	
	5	3	2	8	1	8	9	7/12/94	MALEK	273	292	
	5	2	6	5	8	8	2	11/20/93	MALEK	273	292	
	5	4	7	6	2	5	9	12/19/95	WEINGARDT	273	85CP	
	5	8	5	7	6	7	8	1/12/99	COLEMAN, et al.	273	292	
	5	8	2	3	8	7	3	10/20/98	MOODY	463	13	
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Exhibit A



Substitute for form 1449/PTO

*(Use as many sheets as necessary)*

Sheet 1

of 1

**Complete if Known**

Application Number	09/287,556
Filing Date	April 6, 1999
First Named Inventor	Olaf Vancura
Art Unit	2175
Examiner Name	Rimell, Samuel G.
Attorney Docket Number	1482/335(a)

## U. S. PATENT DOCUMENTS

Technology Center 2100

**FOREIGN PATENT DOCUMENTS**

**Examiner  
Signature**

Date  
Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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## Exhibit B